REMARKS

In the Office Action, the Examiner reviewed claims 1-12 and 39-58 of the above-identified US Patent Application[1], with the result that the specification was objected to, claims 1-7, 9-12, 39-45, and 47-58 were rejected as being anticipated under 35 USC §102 or obvious under 35 USC §103, and claims 8 and 46 (which depend from claims 1 and 39, respectively) were deemed to recite allowable subject matter. In the present response, Applicants have amended the claims as set forth above. More particularly:

Independent claims 1 and 39 have been amended to specify "treating a person if the person is exposed to the agent," specify that the at least one antidote is for at least one agent selected from the group consisting of chemical and biological agents, recharacterize the "detecting and identifying means" as "detecting means," and specify that the "detecting means" detects the presence of the at least one agent by detecting the agent in a fluid sample and causes the delivering means to deliver the at least one antidote into the body of the person if the agent is detected. Support for the limitations for the "presence of the . . . agent," the "fluid sample," and "if the agent is detected" can be found

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[1] Applicants previously canceled claims 13-57 in response to an earlier restriction requirement.

in Applicants' specification at paragraphs [0018] and [0023].[2]

The claims depending from independent claims 1 and 39 have been amended to the extent necessary for consistency with the above-noted amendments.

New device and method claims 59 and 65, respectively, have been presented to recite a limitation that finds support in Applicants' specification at paragraph [0023].

New device and method claims 60 and 66, respectively, have been presented to recite a limitation that finds support in Applicants' specification at paragraph [0028].

New device and method claims 61 and 67, respectively, have been presented to recite a limitation that finds support in Applicants' specification at paragraph [0028].

New device and method claims 62 and 68, respectively, have been presented to recite a limitation that finds support in Applicants' specification at paragraph [0028].

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[2] All references to pages and paragraphs in Applicant's electronically-filed application are those inserted by the USPTO authoring software.

New device and method claims 63 and 69, respectively, have been presented to recite a limitation that finds support in Applicants' specification at paragraph [0018].

New device and method claims 64 and 70, respectively, have been presented to recite a limitation that finds support in Applicants' specification at paragraph [0028].

Applicants believe that the above amendments do not present new matter. Favorable reconsideration and allowance of claims 1-12 and 39-70 are respectfully requested in view of the above amendments and the following remarks.

Objection to the Specification

The Examiner objected to the specification in view of the means-plus-function language in Applicants' claims, and instructed Applicants "to amend the specification and/or point out the location of the support for the means-plus-function language." In response, Applicants provide the following to point out the location of the support for the means-plus-function language in the claims.

Regarding the "detecting and identifying means" of claim 1, this means-plus-function language has been replaced by "detecting means," which

is more consistent with the detecting device 10 shown in Figure 1 and finds support in paragraphs [0016], [0018] and [0028], a preferred embodiment being the flow sensor 18/30 shown in Figures 1, 4 and 5 and described in paragraphs [0016] through [0018].

The "selecting means" of claim 1 finds support in the device 50, controller 64, and manifold system 70 of Figures 2 and 3 and described in paragraphs [0034] and [0038].

The "delivering means" of claim 1 finds support in the device 50 shown in Figure 2 and described in paragraphs [0016] and [0031], a preferred embodiment being the flow sensor 58/30 shown in Figures 2, 4 and 5 and described in paragraphs [0016] and [0017].

The "communication means" of claim 1 finds support in:

the remote central control system 29 of paragraph [0028];

the statement in paragraph [0036] describing "manual input by the user, a radio signal from a remote central location (e.g., the control system 29 of Figure 1), or in response to one or more detecting devices (e.g., the detecting device 10 of Figure 1) carried on the person or placed in the local vicinity";

and statements in paragraph [0038] describing "a remote

central detection system (e.g., making use of the detecting device 10) can be linked through a wireless radio network with one or more of the delivery devices 50," and "verbally, through a remote central detection system, with the detecting device 10, etc."

The "vibrating means" of claim 2 finds support in the electrode 42 et al. shown in Figures 4 and 5 and described in paragraph [0020].

The "movement sensing means" of claim 2 finds support in the elements 44 et al. shown in Figures 4 and 5 and described in paragraph [0020].

The "elapsed time sensing means" of claim 2 finds support in the device 50 and controller 64 shown in Figure 2 and described in paragraph [0036].

The "flow stopping means" of claim 2 finds support in the device 50, controller 64, and valve 54 shown in Figure 2 and described in paragraph [0032].

The "vibrating means" of the detecting means recited in claim 8 finds support in the electrode 42 et al. shown in Figures 4 and 5 and described in paragraph [0020].

The "movement sensing means" of the detecting means recited in claim 8 finds support in elements 44 et al. shown in Figures 4 and 5 and

described in paragraph [0020].

The "density measuring means" of claim 9 finds support in the flow sensor 58/30 shown in Figures 2, 4 and 5 and described in paragraphs [0017] and [0037].

The "signal sending means" of claim 10 finds support in the device 50 and alarms and data output 68 shown in Figure 2 and described in paragraphs [0032] and [0037].

The "broadcasting means" of claim 11 finds support in the device 50 described in paragraph [0037].

The "monitoring means" of claim 12 finds support in the device 50 described in paragraph [0037].

Applicants believe that the above complies with the Examiner's instructions, and therefore respectfully request withdrawal of the objection to the specification.

Prior Art Rejections

Independent claims 1 and 39 and their dependent claims were rejected as being anticipated by U.S. Patent Application Publication No. 2004/0193025 to Steil et al. (Steil) and/or U.S. Patent Application Publication

No. 2004/0158232 to Schetky et al. (Schetky), and/or as being unpatentable over Steil and/or Schetky in further view of U.S. Patent No. 6,932,114 to Sparks or U.S. Patent Application Publication No. 2003/0191402 to Arzbaecher et al. (Arzbaecher). Applicants respectfully request reconsideration in view of the amendments presented above as well as the following comments.

Amended independent claims 1 and 39 are directed to a device and method "for detecting a chemical or biological agent and treating a person if the person is exposed to the agent." The device/method entail "detecting the presence of the at least one agent in a fluid sample near the person," "identify[ing] [or selecting] the at least one antidote as being capable of counteracting the agent," and "if the agent is detected" then taking action to cause the delivering means to deliver the at least one antidote into the body of the person.

In contrast, Steil and Schetky are both limited to sensing the level of glucose in a human and delivering insulin based on the level of glucose. Neither Steil nor Schetky operate to treat a person if the person is exposed to glucose, sense the presence of glucose, and then only deliver insulin if glucose is detected, since glucose is inherently always present in a human and therefore sensed by Steil's and Schetky's sensors. Furthermore, neither Steil

nor Schetky "identify" or "select" insulin "as being capable of counteracting the agent," since insulin is the only substance delivered by Steil's and Schetky's systems. Therefore, Applicants believe that neither Steil nor Schetky disclose or suggest Applicants' claimed invention. Because Sparks and Arzbaecher do not supplement the teachings of Steil and Schetky in any manner that would overcome the above-noted deficiencies, Applicants believe that the rejections based on Steil, Schetky, Sparks, and Arzbaecher, individually or in any combination, are overcome.

Applicants also believe that Steil and Schetky fail to disclose or suggest the subject matter of claims 4 and 5, since Steil and Schetky are limited to delivering a single "antidote" (insulin), and neither is "operable to select more than one antidote."

Applicants also believe that Steil and Schetky fail to disclose or suggest the subject matter of claim 6, since it is impossible to remotely sense glucose in a person.

Finally, Applicants respectfully believe that Steil and Schetky fail to disclose or suggest any of the limitations recited in new claims 59 through 70.

For all of the above reasons, Applicants respectfully request favorable reconsideration of their application.

Closing

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,

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March 24, 2007
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